

**REGULAR MEETING MINUTES
CITY COMMISSION**

March 25, 2004

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Jack Quesinberry at 6:30 p.m. in City Hall Commission Chambers. The invocation and Pledge of Allegiance were given.

PRESENT: Mayor Jack Quesinberry, Commissioners John Harriman, Theo Graham, Bill Thompson and Mildred Dixon

Also Present: City Manager Hollis Holden, City Attorney Dykes Everett, City Clerk Kathy Montoya, Assistant to the City Manager Marshall Robertson, Police Chief Jimmie Yawn, Utilities Director Charlie Tinch, Public Works Director Bob Smith, Fire Chief John Williamson, City Planner Mark Cechman, Trailer City Manager Hughlan Martin, Finance Director Mike Bollhoefer and West Orange Times reporter Michael Laval

1. **APPROVAL OF MINUTES**

Regular Meeting Minutes of March 11, 2004. **Motion by Commissioner Harriman to approve the minutes as submitted. Seconded by Commissioner Dixon and carried unanimously 5-0.**

2. **PROCLAMATION 04-02: Recognizing Police Chief Jimmie M. Yawn upon his retirement with the City of Winter Garden**

Mayor Quesinberry read and presented retiring Police Chief Yawn with Proclamation 04-02 and his 30-year service pin.

3. **INTRODUCTION OF FUTURE POLICE CHIEF GEORGE BRENNAN**

City Manager Holden introduced incoming Police Chief George Brennan and invited everyone to attend his oath of office ceremony on Wednesday, March 31, 2004 in front of City Hall at approximately 4:00 p.m. Mr. Brennan thanked the City Manager and Commission for the privilege and opportunity to serve the community as the new Police Chief. Everyone welcomed him aboard.

4. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

A. **Ordinance 04-08: ANNEXATION OF .17 ACRES LOCATED AT 201 RAILROAD AVENUE**

City Attorney Everett read Ordinance 04-08 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Dixon to approve Ordinance 04-08. Motion was seconded by Commissioner Harriman and carried unanimously 5-0.**

B. **Ordinance 04-09: AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY INCLUDING .17**

ACRES OF LAND LOCATED AT 201 RAILROAD AVENUE AS LOW-DENSITY RESIDENTIAL

City Attorney Everett read Ordinance 04-09 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to approve Ordinance 04-09. Motion was seconded by Commissioner Dixon and carried unanimously 5-0.**

C. Ordinance 04-10: REZONING A .17 ACRE LOT LOCATED AT 201 RAILROAD AVENUE FROM ORANGE COUNTY R-2 TO CITY R-1B

City Attorney Everett read Ordinance 04-10 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to approve Ordinance 04-10. Motion was seconded by Commissioner Graham and carried unanimously 5-0.**

D. Ordinance 03-59: REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS 32.3 ACRES OF LAND LOCATED WEST OF CR535 AND APPROXIMATELY 2,000 FEET SOUTH OF THE FLORIDA TURNPIKE FROM ORANGE COUNTY A-1 AND CITY C-2 TO CITY PUD; PROVIDING FOR SPECIFIC PUD CONDITIONS (Triple S)

City Attorney Everett read Ordinance 03-59 by title only. Mayor Quesinberry opened the public hearing. Mr. Tom Daly, 913 North Pennsylvania Avenue, Winter Park, Florida, stated that he is present on behalf of the developer, Tallman Development, and they are seeking approval of the rezoning and he is available to answer any questions. Hearing no other comments, the public hearing was closed. **Motion by Commissioner Dixon to approve Ordinance 03-59 with staff recommendations (*see attached*). Motion was seconded by Commissioner Harriman and carried unanimously 5-0.**

5. REGULAR BUSINESS

A. RESOLUTION 04-07: A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA; IDENTIFYING THE CITY'S DESIRE TO CONDUCT A MAIL BALLOT ANNEXATION REFERENDUM FOR KENNY COURT SUBDIVISION AND THE ADJACENT PROPERTIES LOCATED WEST OF BETHUNE AVENUE; AUTHORIZING THE CITY MANAGER AND THE CITY CLERK TO INITIATE THE NECESSARY PROCEDURES TO SCHEDULE SAID ANNEXATION REFERENDUM; PROVIDING AN EFFECTIVE DATE

City Planner Cechman stated that many residents of the Kenny Court area have expressed their desire to annex into the City and the most effective way of proceeding is to initiate a referendum. Staff recommends approval of the Resolution and annexation report to proceed with the annexation process by mail ballot referendum. **Motion by Commissioner Dixon to approve Resolution 04-07 and the annexation report. Seconded by Commissioner Harriman and carried unanimously 5-0.**

B. Recommendation to approve the preliminary plat for Stone Crest Villages 3 and 5

City Planner Cechman stated that the PUD process has already been approved for this project. Both staff and the Planning and Zoning Board have made their reviews and

recommend approval with the conditions identified in the memorandums for each village provided in the agenda package. **Motion by Commissioner Harriman to approve the preliminary plats for Stone Crest Villages 3 and 5 with staff's recommendations (see attached).** Motion seconded by Commissioner Dixon and carried unanimously 5-0.

C. **Recommendation to approve the final plat for Westfield Phase III-A**

City Planner Cechman stated that both staff and the Planning and Zoning Board have made their reviews and recommend approval with the conditions identified in the memorandums provided in the agenda package. **Motion by Commissioner Harriman to approve the final plat for Westfield Phase III-A with staff's recommendations (see attached).** Seconded by Commissioner Dixon and carried unanimously 5-0.

D. **Recommendation to approve the purchase of property located at 30 Ninth Street, Winter Garden, Florida**

Assistant to City Manager Robertson stated that when the City purchased 848 East Plant Street, this parcel was not available for purchase. It would be beneficial to combine these parcels to make one large parcel for development and resell purposes. The owners have since contacted him and they are interested in selling the parcel. Commissioner Thompson asked how large is the parcel. Mr. Robertson stated that it is 24 feet wide by 42 feet deep. **Motion by Commissioner Dixon to approved the purchase agreement for 30 Ninth Street, Winter Garden, Florida for \$36,000.** Seconded by Commissioner Harriman and carried unanimously 5-0.

E. **Recommendation to approve expenditure for GREAT Graduation at Lakeview Middle School**

Chief Yawn stated that the expenditure request is from the forfeiture funds for the drug resistance GREAT Graduation Program at Lakeview Middle School. The expenditure will fulfill the City's requirement to use 15 percent of the funds for drug-related programs. **Motion by Commissioner Thompson to approve the expenditure of \$1,908 from Forfeiture Funds.** Seconded by Commissioner Harriman and carried unanimously 5-0.

F. **Recommendation to approve expenditure for Data Sharing Consortium Program**

Chief Yawn stated that this program is setup by the University of Central Florida and will be operated by graduate students. The expenditure request is for the initial start-up cost. The multiple agencies participating will share information such as pawn transactions and vehicle inquiries. **Motion by Commissioner Graham to approve the expenditure of \$10,350 from Forfeiture Funds.** Seconded by Commissioner Harriman and carried unanimously 5-0.

G. **Recommendation to approve Change Order Number 03 for Water Treatment Plant #4**

Utilities Director Tinch stated that during the design of Water Treatment Plant #4 the supervisory control and data acquisition (SCADA) system was not complete. It was completed with the upgrades of Palmetto Street and Fullers Cross Road water treatment plants. Since Water Treatment Plant #4 is nearing completion, these items are required to

monitor the facility from our main facility. **Motion by Commissioner Harriman to approve Change Order #3 for Water Treatment Plant #4 in an amount not to exceed \$19,307. Seconded by Commissioner Dixon and carried unanimously 5-0.**

6. **MATTERS OF CONCERN FROM CITIZENS** - None

7. **MATTERS FROM CITY ATTORNEY**

Reported that the City has been sued in State court by Longview Advertising, Inc. They are challenging the City's prohibition on billboards and a response is being prepared.

8. **MATTERS FROM CITY MANAGER**

- Introduced Bob Reilly, Information Technology Manager for the City, who has set up an email account for the Mayor and Commissioners. The details were provided on accessing the system from any internet connection.
- Stated that Commissioner Thompson has inquired about a calendar for the Commission and the City Clerk will be preparing and maintaining the calendar.

A. **Financial Statement for February 2004**

The City remains in excellent financial condition and he or the Finance Director is available for any questions.

B. **Approval for Organization Structure Change in Utilities and Stormwater Departments**

City Manager Holden stated that the most stressed department in the City is currently the Utility Department due to growth, modernization, and ever-changing regulations such as the initiative for the Wekiva Study Area. The reorganization would create new positions, of which two would be new hires and the funding is available through the existing budget. The new director would be a Professional Engineer, which would alleviate some of the services currently provided by the contracted City Engineer at a higher cost to the City. Commissioner Graham asked about the reference in the request to increased stormwater fees. Mr. Holden stated that the increase is a separate item and that staff will be coming back to the Commission about the increase, which is a result of new requirements. The general fund has continued to supplement the Stormwater Fund and to date it owes the general fund \$590,000. **Motion by Commissioner Harriman to approve the proposed change in organizational structure of the Utility and Stormwater Departments. Seconded by Commissioner Dixon and carried unanimously 5-0.**

- Announced that the City now owns the Wallick property and they have one (1) year from the first of this month to vacate and cleanup the property. Relocation approvals are in process.
- Announced that Police Officers in the Police Department from the position of Corporal and below, have approved forming a union. The negotiation process will begin and the City Commission will be involved in closed sessions. He will be providing them with more information in the future.

- Stated that Trailer City has some serious issues with potential liability for the City regarding the trailer park being able to meet all the fire and state safety requirements. In particular, not all trailers meet the requirements for tie-downs and many are spaced too close together. Staff and the community have indicated a desire to convert the trailer park into a public park for the good of all citizens. He asked for a consensus by the Commission to allow staff to move forward with evaluating and creating a proposal for closing, relocating residents, and converting the trailer park into a waterfront park. **It was the consensus of the Commission to allow the City Manager to investigate and prepare a proposal for closing and converting Trailer City to a public park.**

9. MATTERS FROM MAYOR AND COMMISSIONERS

Commissioner Dixon:

Stated that Beverly Jefferson, who resides at 1790 Christopher Street, Winter Garden, is present and has shared her desire to have her subdivision (Joe Lewis) annexed into the City.

Commissioner Graham:

Stated that according to the City's Electric Franchise Agreement (Section 4) with Progress Energy, the City is being paid 6 percent since entering into the agreement in 1992. However, if other franchises are paying more, we need to consider changing the franchise holder.

Stated that the City Code in Section 38-155 addresses the "boom box" noise problem he brought up in a prior Commission meeting, because it refers to the public right-of-way for cars going down the street. It also limits the sound level from 7 a.m. to 10 p.m. to 60 dBA and from 10 p.m. to 7 a.m. to 55 dBA. There is also a State law that regulates vehicles anywhere within 100 feet of a residence. Therefore, he would like to see enforcement of the regulations. City Manager Holden stated that the Chief has made his officers aware of the problem and he has given direction to the Chief that our current ordinance needs to be reviewed for enforcement purposes. Commissioner Graham asked the newspaper reporter present to include a warning of enforcement in their article.

Asked when the new library would be opened. City Manager Holden stated that the latest report is that they are hoping to open in August.

Commissioner Thompson:

Reported that everyone in District 1 is happy.

Mayor Quesinberry:

Reminded everyone the Relay for Life (American Cancer Society) event will be held tomorrow at 6 p.m. at West Orange High School.

The meeting was adjourned at 7:39 p.m.